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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,772	11/08/2000	Stephen Christopher Gladwin	11748/9	3933

7590 10/26/2006
John S Paniaguas
525 West Monroe Street Suite 1600
Chicago, IL 60661-3693

EXAMINER

WOO, STELLA L

ART UNIT PAPER NUMBER

2614

DATE MAILED: 10/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/709,772

Applicant(s)

GLADWIN ET AL.

Examiner

Stella L. Woo

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janik (US 2005/0113946 A9) in view of Margulis (US 6,263,503 B1) for the same reasons given in the last Office action and repeated below.

Regarding claims 1, 7, Janik discloses a system (Figure 1) for enabling digital audio data files to be played on a remote conventional audio device (stereo receiver 44), the system comprising:

a host PC (personal computer 34) configured to be connected to the Internet (Internet 8), said host PC configured to store digital data files and receive streaming digital files (PC 34 acquires, stores, and manages digital audio content, including digital audio files and digital audio streams from Internet 8 servers; page 3, para. 47);

a playback system including a base station (digital audio converter 32 is operatively coupled to PC 34 via access point 28) configured to receive said digital files from host PC and convert said digital data files to a predetermined

format compatible with one or more conventional playback devices (digital audio converter 32 receives digital audio streams sent from the PC 34, decodes and de-compresses the digital audio in real time, converts it from a digital format into analog electrical signals compatible with a conventional stereo system 40; page 4, para. 50).

Janik differs from claims 1-3 and 7 in that it does not specify a receiver for re-broadcasting said audio files to the stereo system. However, Margulis teaches the desirability of using a repeater (RF repeater 414) to rebroadcast audio, received from a base station, to a conventional playback device so that audio signals can be reproduced in a separate room while maintaining transmission quality (col. 6, lines 38-56). It would have been obvious to an artisan of ordinary skill at the time of invention to incorporate a repeater, as taught by Margulis, within the system of Janik in order to achieve the same benefit, that is, rebroadcast audio signals transmitted by the base station (digital audio converter 32) to a stereo system located in a different room while maintaining transmission quality.

Regarding claims 2-3, in Janik, stereo system 40 includes a conventional stereo receiver 44 (page 3, para. 46), and digital audio converter 32 provides local FM broadcast radio (page 4, para. 58).

Regarding claim 8, Janik shows a remote control device 52, remote from playback device 40 (Figure 1).

Response to Arguments

3. Applicant's arguments filed August 7, 2006 have been fully considered but they are not persuasive. Applicant again argues that "Janik is not prior art within the meaning of 35 USC 102" and that "the pending claims are supported by the parent application as well as the provisional application." The examiner disagrees. Independent claim 1 recites "a playback system including a base station" and "a receiver for receiving said digital data files in said predetermined format and transmitting said digital data files to said one or more conventional playback devices." Applicant states that the PC Adapter 24 in the parent application is the "base station." However, in the parent application, the PC adapter transmits the audio files directly to the conventional playback device. There is no disclosure of a "receiver" which receives the converted digital audio from the base station and further transmits the audio to the conventional playback device. Since the pending claims have an effective filing date of November 8, 2000, which is after the effective filing date of the Janik publication, Janik qualifies as prior art under 35 USC 102(e).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the

advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

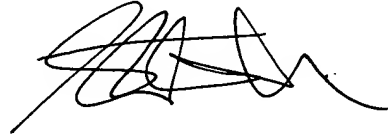
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Stella L. Woo', with a stylized, cursive script.

Stella L. Woo
Primary Examiner
Art Unit 2614